

# The Daily Courant.

Monday, February 7. 1704

London, February 7.

THE Duke of Lorrain having in July 1701 publish'd an Ordinance, containing Rules to be observ'd by the Courts of Judicature of Lorrain and Bar for the tryal of all Cases Civil and Criminal, &c. in which among other things they were directed in what manner to proceed upon Complaints brought before them about Matters relating to Benefices, and Ecclesiastical Citations; a certain Bishop of Lorrain inform'd the Court of Rome of it, and at the end of 2 Years the Pope issued a Brief bearing Date Sep. 22. 1703, by which he condemns that Ordinance, and forbids all Persons of what Condition soever to read it, or have it in their Possession, on pain of Excommunication. Whereupon the Duke of Lorrain has caus'd an Appeal to be publish'd, which was brought over by the last Mail from Holland, and being a valuable Piece in its kind, shall be found intire in the next Monthly Register. Mean time, in the want of foreign News, we present the Publick with an Extract of it.

A Deed of Appeal from our holy Father Pope Clement XI. misinform'd, to our Holy Father the same Pope when he shall be rightly inform'd; to prevent the Execution of the Brief dated September 22. 1703. against the Ordinance issued by his Royal Highness in July 1701. which Appeal was made by the Attorney General of Lorrain and Bar Nov. 8. 1703, and register'd in the Sovereign Court of Lorrain and Bar, Dec. 10. 1703.

Messire John Leonard Bourcier, Councillor of State to his Royal Highness, and his Attorney General in the Sovereign Court of Lorrain and Bar, appearing personally before the Sieur Francois, Apostolical Notary matriculated in the Court of Rome, dwelling in Nancy, in presence of 2 substantial Witnesses, declares, That he is inform'd there has lately appear'd a Brief, under the Name of our Holy Father the Pope, dated the 22d of September last, and affix'd publickly in Rome the 26th of the same Month, which condemns his Royal Highness's Ordinance of July 1701, forbidding all Persons, of what Condition soever, even those that might have occasion to look for any Form of Expression in it, to read, keep, or make use of it, on pain of Excommunication; and that the Motives mention'd in the Brief are, that the said Ordinance not only violates the Imminencies and Liberties of the Church, but likewise utterly overthrows them.

The Attorney General having a profound Respect and most religious Veneration for whatever is done by the Authority of the Holy Ch<sup>r</sup>ch, cannot conceal his Grief, that those who secretly sollicited this Brief for their private Interest, should have so little regard to the Dignity and Majesty of the Sovereign Pastor, as not only to represent to him the Affair to which it relates under false Colours, but to prevail with him to let a Mark of Ignominy upon an Act of just Power done by a Sovereign Prince, and which does no way infringe the Sacred Rights that God has given to his Church.

There is no Christian, but must needs be concern'd for the Glory of the Pope; as what Son does not

interest himself in his Father's Reputation? Now every Christian has cause to lament, that the secret Instigators of the Brief should perswade his Holiness to pass an Ignominious Censure on an Ordinance made by a Sovereign without hearing that Sovereign, to condemn a Law without hearing the Legislator; and by so doing to acquaint the whole World, that at Rome they forget the Laws of Nature when they would censure a positive Law.

God forbid the Attorney General should impute this Conduct to our Holy Father the Pope. This Censure escap'd his pastoral Vigilance, (while he was taken up with the infinite Cares of the general Government of the Church,) through the arrful Suggestions of those, who made it their busines to impole upon his Goodness, to surprise his Wisdom, and seduce his fatherly tenderness.

Our Holy Father the Pope is too clearfighted, not to see that this Brief concerns all Sovereigns; that all crown'd Heads cannot but be sensible of it; that all Princes of that Condition have receiv'd from God a Power to give Laws to their Subjects in Matters civil and temporal; and that it is attacking them in the tenderest part of their Authority, to offer to subject their Ordinances to his Spiritual Fulmanations. That He whose Vicar he is on Earth, began his Mission by a solemn Act of Obedience to the Laws of a Temporal Potentate; that he afterwards taught the whole Nation among whom he liv'd, to pay Tribute to the very Monarch that oppress'd their Liberty; and that the Apostle out of whose Mouth the Holy Ghost utter'd such great Truths to Men, establish'd for one of the chief Fundamentals of Christianity Submission to the Laws of Sovereigns, which he practis'd himself, when, unjustly accus'd, he made use of an Appeal, which those Laws allow'd him, for justifying his Innocence.

Tis true, the Priesthood and civil Government, the two Powers that govern the World, being independant of each other, ought not to incroach one upon the other. But if our Holy Father the Pope imagin'd that his Royal Highness's Ordinance broke in upon those of the Church, it might have been expected from the Justice and Wisdom of his Holiness, that he would have condescended to advertise his Royal Highness of it, either by sending him an exhortatory or a monitory Brief to that purpose, or by commanding his Royal Highness's Resident at Rome, to inform his Master of the Complaints that had been made to him concerning it. The Method of the Church has always been to admonish her Sons of their Faults; whence the Term of Canonical Admonition, so often repeated in the holy Canons, which have made it an inviolable Law to let Admonition precede Condemnation. The Church is a tender Mother, that first exhorts, admonishes, instructs. Her first Weapons are Prayer, charitable advices, and remonstrances, and she never has recourse to others, till these have been employ'd to no purpose.

This is agreeable not only to Regularity and Justice, but likewise to Decency and good Manners. The Rank, the Extraction, the Piety of his Royal Highness; the Honour he has to be so nearly related to the 2 greatest Monarchs in Christendom; the Merits of Charles V his Father, of triumphant Memory, acknowledg'd

knowledg'd even at Rome to have been the Scourge of the Ottoman Empire and the Defender of the Church; all these requir'd our holy Father the Pope, to have admonish'd fatherrly his Royal Highness to change in his Ordinance, whatever he found contrary to the Immunities of the Church.

Had this Ordinance meddled with Matters of Faith, it would not have been necessary to hear the Author, because a proposition against the Faith, cannot be excus'd or justified by the Author; but as for the Discipline, Jurisdiction, and exterior Government of the Church, they are different according to the Customs of different States in Christendom; whence it is, that in such Matters it is necessary to hear the Author of a Law, because the Law it self being mute cannot defend it self but by the Legislator.

Now had his Royal Highness been heard, he would have remonstrated to our holy Father the Pope, the Reasons which gave occasion to that Ordinance; he would have acquainted him what Ordinances of like import his Predecessors have made, and what Customs are observ'd in his Dominions; which 'tis presum'd might have weigh'd with his Holiness.

The Divine Law as well as the Natural, gives Men a right to be heard before they are condemn'd. God himself who knows all things, would not condemn the first Man, before he had call'd him to him and heard him, tho' he had as one may say, the fatal Morsel in his Mouth. He would not pass Sentence on the first Murtherer, till after he had interrogated him, tho' the Earth reek'd with the Innocent Blood, and the Cry of it flew up to Heaven; from whence he came down to see the Sins of Sodom and Gomorrah before he would punish them. &c.

London, Feb. 7. This Evening the Queen's Birthday, which was Yesterday, will be celebrated by the Court with great Splendor; and the Play of *All for Love* will be acted before her Majesty at St. James's by the chief Tragedians of both Theatres.

AT the Theatre Royal in *Drury-Lane*, this present Monday being the 7th of February, will be presented (for the Entertainment of several Foreigners lately arriv'd) a Comedy call'd, *The Emperor of the Moon*. With the addition of some extraordinary Scenes, viz. a Grotesque Scene taken out of an Opera call'd, *Dioclesian*; and the Dome Scene taken out of *The Virgin Prophecess*. With several Entertainments of Singing, and variety of comick Dances. And tomorrow (at the Desire of several Persons of Quality) will be presented *Hamlet Prince of Denmark*.

For the Benefit of *Cave Underhill*.  
AT the New Theatre in *Little-Lincolns-Inn-Fields*, tomorrow being Tuesday the 8th of February, will be presented a Tragedy call'd, *Oedipus King of Thebes*.

*Adenda & Adnotanda in Libro Influxionum Georgii Beynei. Prostant apud R. Smith ad Insigne Bibliorum sub Excambio Regali.*

AN Account, being matter of Fact, of some People couch'd and brought to perfect Sight in London by Dr. WILLIAM READ the Approved Occulist. Mr. Edward Payne's Wife a Goldsmith at the Golden Ball near the New Exchange in the Strand on both Eyes, Mrs. Mary Benning at the Wheat-sheaf in *High Holborn* aged 80 blind near 40 Years, Madam Blows over against my Lord Craven's in *Drury-lane* aged 76, Mr. John Blows near the Coach and Horses in *Carnaby-street* near *Golden-Square* aged 70, Mr. Scott Shoe-maker in *Hancery-lane* aged 70, Ellen Jones in *Black-Friers*, Mrs. Joanna Campion at the crooked Biller in *Monmouth-street*. And several hundreds more, not only of Cataracts but other Distempers relating to the Eyes. He likewise couch'd Mrs. Katharine and Alice Newson Sisters at Cockle near *Halsworth* in *Suffolk*, notwithstanding they were both born Blind, yet brought them to perfect

Sight which continues. The said Dr. READ is to be advis'd with constantly at his House at the Black-a-moor's Head in *Shandon-street, Covent-Garden, London*. Where he has cured above a hundred poor People gratis within this 18 Months, some of Cataracts, Albugo's, and Defluxion of Humours. And has cured several of Wens, Hair Lips and Wry Necks, without any Deformity. And several Cancers and the Polypus in the Nose.

*Bibliotheca Lampugniana*. Or, a Catalogue of the Greek and Latin Books contained in the Library of the most Reverend Father in God, Thomas, late Lord Archbishop of York. Which will be Sold by Auction at the Three-Tun-Tavern near *Gray's-Inn* in *Holborn*, on Wednesday next the 9th instant, at Three of the Clock in the Afternoon. Catalogues are given gratis at Mr. Hensman's in *Westminster-Hall*, Mr. Brown's without *Temple-Bar*, Mr. Bennet's in *St. Paul's Church-yard*, Mr. Davv's at the Black Bull over against the Royal Exchange in *Cornhill*, and at Mr. Hartley's in *Holborn*. Where any Gentlemen may take what Books they please, at very reasonable Rates, out of several Hundreds, in *Folio, Quarto, Octavo, &c.* at any time before the Sale begins.

THE Chymical Drops for loss of Appetite and bad Digestion, the gratefulest Medicine to the Stomach in the World, a few of them taken before and after Dinner in a Glass of Wine and Water (which drinks extreamly fine) most certainly retrieves the first, and facilitates and strengthens the last, tho' never so deprav'd and vitiated, and by continuing them (the Stomach being the Index of Diseases) many Distempers are cured, and multitudes prevented, which loss of Appetite indicate, and a faulty Digestion propagate, for they entirely rectifie the Juices of the Stomach, destroy the very Essence of Indispositions therein, taking away Sicknes, Pain, Wind, Heat in the Stomach call'd Heart-burn, Worms, &c. being the only true Stomachick or Promoter and Preserver of Health in the whole Republick of Medicine. To be had only of the Author (Practitioner in Physick and Surgery) at the Golden Head in *Bridgewater-Square* near *Aldersgate-street*, at 3s. 6d. per Bottle, with Directions.

This day is publish'd,  
PEACE and UNION: Or, a Defence of Sir Henry Mackworth's Treatise on the Occasional Bill, in Answer to a Treatise entitled, *Peace without Union*; And to all the other Numerous Pamphlets wrote against it by *Occasional Conformists*. Printed for *John Nutt* near *Stationers-Hall*.

THE excellent Pills for the cure of the Running of the Reins, which were formerly sold at the Angel in *King-street* near *Guild-hall*, and for about 12 Years at the Angel in *Basing-lane*, being the second turning in *Bread-street* from *Cheapside* on the left hand, where they are still sold at 5s. the Box. Are also as proper a Purge as can be used to expel the Venom, in all the Degrees of the Venereal Disease.

This day is publish'd,  
A Sermon preach'd on the 19th of January 1704, being a day of solemn Fasting and Humiliation appointed by Her Majesty on account of the Nations Sins, the Calamities of the War, and the late amazing Storm. By *Samuel Palmer, V. D. M. 4°*. Printed for *John Lawrence* at the Angel in the *Poultry*.

Newly publish'd,  
ALL for Love, or, *The World well lost*. A Tragedy written by *Mr. Dryden*. Printed for *Bernard Lintot* at the Middle-Temple-Gate in *Fleet-street*, and *W. Davv* at the Black Bull in *Cornhill*. Price 1s. The Lying Lovers. A Comedy. Written by *Capt. Steele*. Price 1s. 6d.

THE Mischief of Separation. A Sermon preach'd at *Guild-Hall* Chapel before the Lord-Mayor, &c. By the Right Reverend *E. Stillingfleet, D.D.* late Lord Bishop of *Worcester*. Printed for *H. Mortlock* at the *Phoenix* in *St. Paul's Church-yard*. Price 3d. But to them that will give them away 20s. a Hundred.